



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/050,614

03/30/98

BROWN

R

F-5231

IM22/0804

DANIEL D RYAN
RYAN MAKI MANN AND HOHENFELDT
633 WEST WISCONSIN AVENUE
MILWAUKEE WI 53203

EXAMINER

FLEMING, M

ART UNIT

PAPER NUMBER

1723

5

DATE MAILED:

08/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/050,614

Applicant(s)

Brown et al

Examiner

Michael A. Fleming

Group Art Unit

1723



☒ Responsive to communication(s) filed on May 26, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 30, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1723

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "160" has been used to designate both the axis of the umbilicus (page 16, line 27; Figures 1-2, 10) and the pin in the latch mechanism (page 6, line 21; Figure 2). Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: bottom wall 48 (page 6, line 35-page 7, line 1). Correction is required.
3. The drawings are objected to because reference number "46" of Figure 4 should read "64". Correction is required.
4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the facing high-G wall 44 (page 9, line 9) in Figure 6 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. M.E.P.. § 608.02(d). Correction is required.
5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the PRBC collection passage 98 (page 9, line 12) in Figure 6 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. M.E.P.. § 608.02(d). Correction is required.

Art Unit: 1723

Specification

6. The disclosure is objected to because of the following informalities: "channel 64" of page 8, line 10 should read "channel 42".

Appropriate correction is required.

7. The disclosure is objected to because of the following informalities: "interior seal 78" should read "interior seal 76".

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: "the lower block 124" of page 11, line 33-page 12, line 2 should read "the upper block 122" as shown in Figure 10.

Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: "the upper block 122" of page 11, lines 2-5 should read "the lower block 124" as shown in Figure 10.

Appropriate correction is required.

10. The disclosure is objected to because of the following informalities: "channel 64" of page 14, line 20 should read "channel 42".

Appropriate correction is required.

11. The disclosure is objected to because of the following informalities: "channel 64" of page 15 (3 occurrences) should read "channel 42".

Appropriate correction is required.

Art Unit: 1723

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification describes a number of ways in which the carrier may be constructed but there is not description of a thermally formed carrier (page 14, lines 23-25)

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not certain what the geometry of the channel is and if a different geometry from the processing container is necessary for the invention.

Art Unit: 1723

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-3, 5-6, 11-14, 16-17, 19-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Alterbaum (US 4,714,457).

Alterbaum discloses a processing assembly comprising a processing container **1** and a carrier **6** as recited in **instant claim 1**.

Alterbaum discloses a processing assembly comprising a centrifugal channel **8**, processing container **1**, and a carrier **6** as recited in **instant claim 2**.

Alterbaum discloses a centrifuge channel including a curved region (**Figure 5**). (**Instant Claim 3**)

The carrier is pre-shaped. (**Instant Claim 5**)

The carrier is molded to retain the processing container in a flexed condition (**Figure 5**). (**Instant Claim 6**)

The carrier comprises plastic material (**column 5, lines 44-45**). (**Instant Claim 11**)

The processing container is secured to the carrier (**Figure 5**). (**Instant Claim 12**)

The carrier includes first and second facing surfaces and an intermediate slot (**Figure 5**). (**Instant Claim 13**)

Art Unit: 1723

The carrier includes a surface contour which defines a wall contour **(Figure 5)**. **(Instant Claim 14)**

The processing container has a normal geometry **(Figure 5)**. **(Instant Claim 16)**

The assembly includes an umbilicus **2**. **(Instant Claim 17)**

Alterbaum discloses a blood processing assembly comprising a centrifugal channel **8**, processing container **1**, tubing **2** including a umbilicus **(Instant Claim 20)**, and a carrier **6** as recited in **instant claim 19**.

The centrifuge channel includes a curved region **(Figure 5)**. **(Instant Claim 21)**

Alterbaum discloses a method of manufacturing comprising the step of attaching a carrier to a blood processing container **(Figure 5)**. **(Instant Claim 22)**

Alterbaum discloses a method of processing blood comprising the steps of attaching a carrier to a blood processing container, inserting the processing container into the centrifugation chamber, and performing a blood processing procedure **(Figure 5)**. **(Instant Claim 23)**

18. Claims 1-6, 11-17, 19-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schroendorfer (US 4,445,883).

Schroendorfer discloses a processing assembly comprising a processing container **8** and a carrier **10** as recited in **instant claim 1**.

Schroendorfer discloses a processing assembly comprising a centrifugal channel **(Figure 4)**, processing container **8**, and a carrier **10** as recited in **instant claim 2**.

Art Unit: 1723

Schroendorfer discloses a centrifuge channel including a curved region **(Figure 4)**.

(Instant Claim 3)

The carrier is adapted to assume a generally lay-flat configuration in the absence of external force **(Figure 3)**. **(Instant Claim 4)**

The carrier is pre-shaped. **(Instant Claim 5)**

The carrier is molded to retain the processing container in a flexed condition **(Figure 5)**.

(Instant Claim 6)

The carrier comprises plastic material **(column 5, lines 60-64)**. **(Instant Claim 11)**

The processing container is secured to the carrier **(Figure 4)**. **(Instant Claim 12)**

The carrier includes first and second facing surfaces and an intermediate slot **(column 5, lines 64-67)**. **(Instant Claim 13)**

The carrier includes a surface contour which defines a wall contour **(Figure 4)**. **(Instant Claim 14)**

The carrier includes a surface projection which defines a wall projection the processing container **(Figure 3)**. **(Instant Claim 15)**

The processing container has a normal geometry **(Figure 4)**. **(Instant Claim 16)**

The assembly includes an umbilicus **20**. **(Instant Claim 17)**

Schroendorfer discloses a blood processing assembly comprising a centrifugal channel **(Figure 4)**, processing container **8**, tubing **20** including a umbilicus **(Instant Claim 20)**, and a carrier **10** as recited in **instant claim 19**.

Art Unit: 1723

The centrifuge channel includes a curved region (**Figure 4**). (**Instant Claim 21**)

Schroendorfer discloses a method of manufacturing comprising the step of attaching a carrier to a blood processing container (**Figure 4**). (**Instant Claim 22**)

Schroendorfer discloses a method of processing blood comprising the steps of attaching a carrier to a blood processing container, inserting the processing container into the centrifugation chamber, and performing a blood processing procedure (**Figure 4**). (**Instant Claim 23**)

19. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mitchell et al (US 3,674,197).

Mitchell discloses a processing assembly comprising a processing container **48** and a carrier **11, 12** as recited in **instant claim 1**.

Mitchell discloses a processing assembly comprising a centrifugal channel (**Figure 3**), processing container **48**, and a carrier **11, 12** as recited in **instant claim 2**.

Mitchell discloses a centrifuge channel including a curved region (**Figure 3**). (**Instant Claim 3**)

The carrier is adapted to assume a generally lay-flat configuration in the absence of external force (**Figure 5**). (**Instant Claim 4**)

The carrier is pre-shaped. (**Instant Claim 5**)

The carrier is molded to retain the processing container in a flexed condition (**Figure 5**). (**Instant Claim 6**)

Art Unit: 1723

The carrier may be injection molded or otherwise formed (**column 2, lines 31-40**).

(Instant Claims 7-8)

The carrier may comprise of any suitable material (**column 2, lines 31-40**). **(Instant Claims 9-10, 18)**

The carrier comprises plastic material (**column 2, lines 31-40**). **(Instant Claim 11)**

The processing container is secured to the carrier (**Figure 1**). **(Instant Claim 12)**

The carrier includes first and second facing surfaces and an intermediate slot (**Figure 2**).

(Instant Claim 13)

The carrier includes a surface contour which defines a wall contour (**Figure 2**). **(Instant Claim 14)**

The carrier includes a surface projection which defines a wall projection for the processing container (**Figure 2**). **(Instant Claim 15)**

The processing container has a normal geometry (**Figure 2**). **(Instant Claim 16)**

The assembly includes an umbilicus **54, 56**. **(Instant Claim 17)**

Mitchell discloses a blood processing assembly comprising a centrifugal channel (**Figure 3**), processing container **48**, tubing **54, 56** including a umbilicus **(Instant Claim 20)**, and a carrier **11, 12** as recited in **instant claim 19**.

The centrifuge channel includes a curved region (**Figure 3**). **(Instant Claim 21)**

Mitchell discloses a method of manufacturing comprising the step of attaching a carrier to a blood processing container (**Figure 2**). **(Instant Claim 22)**

Art Unit: 1723

Mitchell discloses a method of processing blood comprising the steps of attaching a carrier to a blood processing container, inserting the processing container into the centrifugation chamber, and performing a blood processing procedure (**Figures 2-3**). (**Instant Claim 23**)

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moore et al discloses a centrifuge insert having wall projections.

Harmony et al discloses a carrier having a geometry unlike the processing container.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Fleming whose telephone number is (703) 305-0748. The examiner can normally be reached on Monday-Thursday from approximately 9:30 AM - 3:00 PM and on Friday from approximately 9:30 AM - 1:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. L. Walker, can be reached on (703) 308-0457.

The fax phone number for **Unofficial** faxes (i.e. faxes not to be entered, drafts) for Technology Center 1700 is **(703) 305-3602**. The fax number for **Official** faxes (i.e. faxes to become part of the file history) for this Center is **(703) 305-3599**. When filing a fax in Technology Center 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the

Art Unit: 1723

PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

MAF

M. A. Fleming

July 6, 1999

W. L. Walker

W. L. WALKER
PRIMARY EXAMINER
GROUP 1300